

## Ep #96: An Agile Approach to Quality Legal Writing with Brendan Kenny & Neven Selimovic



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**John E. Grant**

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John: Brendan Kenny and I had our first conversation about Kanban for lawyers almost exactly 10 years ago. And while we've corresponded a little since then, I had no idea how deeply he'd taken the methodology to heart, or how far he and his team have carried it in practice.

Brendan and his colleague, Neven Selimovic, have built a legal writing system that is truly fit for purpose. It's grounded in Agile principles, it's powered by a visual Kanban workflow, and it's enhanced by smart use of AI, not as a crutch, but as a creative partner.

As a service center inside their large law firm, their system delivers high-quality legal writing to their attorney colleagues smoothly, predictably, and at scale. Not only that, it's working so well that the firm is turning their internal workflow into an external product that can be used directly by the firm's clients and even by lawyers from other firms.

It's a story about how intentional workflow design and thoughtful technology can elevate legal services and make them more scalable.

You're listening to *The Agile Attorney Podcast*, powered by Agile Attorney Consulting and Greenline Legal. I'm John Grant, and it is my mission to help legal professionals of all kinds build practices that are profitable, sustainable, and scalable for themselves and the communities they serve. Ready to become a more Agile Attorney? Let's go.

All right, welcome back everybody. So I am excited to have a couple of guests on the podcast this week. I've got Brendan Kenny, and Brendan and I, he just reminded me, we first spoke over a decade ago, I think when I was still pretty new to the Kanban stuff, and he was catching a little bit of what I was pitching and has been using it in his law practice. So I'm excited to hear about that. And then Neven Selimovic, who is Brendan's colleague, and I'm going to let the two of you introduce yourselves kind of beyond that. Brendan, I'll start with you.

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Brendan: Thanks, John. Really, really an honor to be here. I've been following you since you came out with the Kanban for Lawyers book, I think around 2015 and started with Kanban then, where I was kind of in a rut of getting things done, the getting things done method. So it really, you're going to think this sounds sycophantic, but it really kind of changed my life and everything I've done since then and since been following the podcast and kind of going along with the changes you've made or promoting in Agility and that whole approach.

And I've been practicing law for almost 20 years in California and now in Minnesota, still practice in California in state federal court, administrative court here at Hellmuth & Johnson since January 2022. I have been on the legal writing team where along with Neven who came a little later and we work for internal clients within the firm, do a lot of legal writing projects and for external clients and right now we're very excited to talk about use of AI and how we're trying to help teach other lawyers how to do it through our legal writing subscription plan.

John: Love it. And Neven, how about you?

Neven: Yeah thanks John for having us. I'm very excited to be here. As Brendan said, I work at Hellmuth & Johnson with him. I've been there for almost three years, been a practicing attorney for just over five years. And for the first couple of those years, you know, I was kind of having what I think is what a lot of newer lawyers struggle with, is kind of managing workflows and, you know, kind of staying on top of all the cases you get, at least in the litigation side.

And, you know, when I met Brendan, that kind of started to resolve itself because he was employing a lot of these Agile techniques. I saw how that was really helping him out and kind of embraced a lot of those techniques and it's really made a difference in my practice. But yeah, as Brendan said, you know, we do a lot of legal writing here in addition to the litigation practice. We think we have some really great designs that help us out, you

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know, provide a very effective and efficient product and we want to share some of that with everyone.

John: Love it. Okay. So, be it a little bit self-interested, but also because I'm genuinely curious, tell me a little bit about your workflow design and the extent to which you're using Kanban or other Agile tools. Like, what does that look like in the context of a legal writing workflow?

Brendan: Yeah, well, I can start. One thing that I came up with that probably is kind of in the universe of Kanban but not exactly, I needed visual representation of deadlines. And so I do, in addition to a Kanban board, have right on my wall right here, dynamic deadlines where I built in where I can see where internal deadlines are and other deadlines are so I know what I'm doing.

So the great thing about Kanban board, especially as you've kind of developed it more over the years, is the idea of having the not only done, but timed, waiting, quality check. That's really helpful. And I make a distinction between a quality check where it's internal. Usually external, I have, excuse me, where it's like the client, if it's a non lawyer client, will be in the waiting column. Really helpful, very helpful too. I think you recently said the idea of having those things in waiting as past tense, very helpful.

And then the doing, the to do, I'm not very good at have, I'm not I won't say not very good, I really haven't implemented having a limit of items in a day, but the to do today, tomorrow, this week, next week, week after next, three weeks, month, very helpful for legal writing.

And essentially what I found is with these columns, especially the waiting for and quality check, it means that basically systemically or organizationally, nothing's going to fall through the cracks because of the design. I could go on and on, but that's, I can't say enough about Kanban and Agility as a design. I know I don't do it perfectly. And we're also in a

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situation where because of the size of our firm, we're each kind of our own business, is the way I see it.

John: Right, yeah.

Brendan: And so we kind of have to triage our systems to fit within that structure because we're just not...

John: That's interesting.

Brendan: ...we have 70 lawyers, we're not using, it's not using Agility across the firm. And I don't think I'm talking out of turn by saying that.

John: No, well, it's funny because I, I see that to the extent that I've worked with larger firms, it's almost always with either practice groups or sometimes all the way down to the level of individual lawyers. And solving that personal workflow issue can actually go a long way towards improving some of the flow of work throughout the firm, even if 90% of the rest of the firm has no idea what that individual lawyer is doing. They just know they're getting their stuff done.

Neven: Just to piggyback off of what Brendan is saying, you know, in addition to those kind of, I guess, known or traditional techniques now, every time we get our own project or a project that we work on together, we meet in Brendan's office usually, he's got these great whiteboards or giant post-it notes, and we visualize the task at hand. We use different colors for what each of us needs to do. And we really try to get ahead of all these pain points by just really laying out a good roadmap for what needs to get done.

John: I love that too. I mean, to the extent that, again, one of the first steps of the method is to visualize the work kind of as it already exists, but one of the things that I run into is that a lot of lawyers feel like they kind of understand what the process should be, and so they kind of just wing it on

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the strategy, right? Or they're like, oh, I know what, it's close enough, I can just get started.

And they wind up going in sort of a ready-fire-aim order of events and that creates rework. If you miss something, your brain is imperfect, your understanding of the case and the early phases, I'm going to project here and you can tell me if I'm right, but my guess is by doing that strategy meeting, you know, yes, it takes probably an extra 15 to 45 minutes, right?

Whatever the complexity of the thing is, but the investment you make in that probably daylight issues or questions or even kind of assumptions that you might be making that mean that you're not going to get caught flat footed somewhere down the road.

Brendan: 100%.

Neven: That is valuable.

Brendan: And what it leads to, what has led us to is that, and this is without getting too much into depth, but almost any legal writing project we're working on, the first thing, the most important thing are the issue statements.

And so what we do is, we get buy-in because we've seen that practically speaking, a huge problem, rework, obstacles, et cetera, in the workflow progress is the person who's the subject matter expert, you'd say, the person who's handling the case, not having their buy-in at an early stage.

So that's what we start with. We start with issue statements and say, everything else has to be done here. Here's an outline. Here's what we think are really good issue statements that lay out what we're trying to do. And then that way, speak now, forever hold your peace, is practically...

John: Yeah, well, and you're negotiating the drafting strategy with them, right? I mean, that's basically what it boils down to is that you're the experts

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on what the structure and what the process should be for getting to an effective quality work product at the end. And narrowing the scope or at least defining, it doesn't have to be narrowing, right? Just putting that scope out and making it agreed upon.

And then, you know, you might learn something in the research or drafting process that will change, maybe you do need to rephrase an issue statement, maybe you do need to do that. But at least you're doing it in the context of evolving your drafting strategy as opposed to trying to hold the whole thing in your head, and then maybe you don't recognize when you've made a change or not, right?

Brendan: Right. And I think Neven can speak really well to this because I think he's better than me at an interpersonal level of this part. And this kind of is where I think AI comes in, if there's a segue, is that the subject matter expert is the most important person in the process because in most cases, we're not the ones working the case. We get dropped in maybe at the summary judgment phase, maybe motion to dismiss phase. And so what the subject matter expert tells us, free flow, however it is, of what the case is about, is gold.

But sometimes, and this is where the issue statements come in, they don't actually know what's important or know that's something that they need to communicate. And the way you suss things out when you're engaged with them in an early level and think through this process because you get that gold early on and not later, and that affects everything you do along the way.

John: Yeah, I love that. Well, so let me actually back you up for just a second because I think a lot of people might not know exactly how your function fits within the workflow of the larger firm. So give us 90 seconds on...

Brendan: I can do that.

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John: ...kind of what your department is and how people basically order work from you, right? Or you're, you're almost this subroutine in the context of the larger litigation or the appeal or whatever it happens to be.

Brendan: Well, this is the way I'd see it, and I might be wrong. I think probably many of your clients, John, are maybe lawyers that maybe have more of a transactional focus, and there's certain things with that I think lead to greater predictability and more of an even workflow than litigation.

So litigation is a pain point in general, I think for law, it sounds like a silly thing to say, but legal writing and motion writing within that is a bigger pain point.

So someone has a certain kind of case load, and either they need to write a summary judgment motion or a summary judgment comes in and you need to oppose it. That's like a bomb that goes off or something. I'm not sure the best analogy, you know, maybe a, I think someone called it a cannonball coming down at a picnic. And so where we do, because we handle so much of the legal writing, they can kind of outsource insource that work to us, giving us all their key subject matter expert stuff while they do everything else they're doing. That's kind of, I think, the way it works in the workflow. Maybe Neven can...

Neven: Yeah I can.

Brendan: ...explain it better than me.

Neven: Just to button that up, you know, is confidence, right? The way we incorporate our workflows into the process, we break down the writing project into digestible pieces and we check in at every stage of that writing process. So the person who gives us the work feels confident that their voice, that their strategy, that their argument is getting through and they have input in it. It's kind of, we're a very high powered, I don't want to say

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assistant, but someone who can really do the work for them, but in their own style, in their own way.

John: Right. Got it. Okay. And so I sometimes say this about myself, but I think it's also true of you, which is part of what you do, right? A person who is an expert in litigation is an expert in lots of things.

They're an expert in civil procedure, they're an expert in evidence, they're an expert in the substantive law, but it's hard for experts sometimes to know what they know. And so, it sounds to me, and the thing that I do when I'm doing process definition is I say, okay, I'm like some Harry Potter wizard casting the spell that like pulls things out of your head and then we put it in the bowl so everyone else can see it, right? And it sounds to me like that's a little bit what you're doing in the strategy work.

Brendan: Yeah, that's a great analogy.

John: Okay. Well, so then tell me how, so, you know, when we were chatting before we turned on the recording, I sort of asked you some questions and I used some intentional language and I'll explain it now because I think one of the things that is often true is we think we're trying to create the highest possible quality work product. And I think on the one level that is true, we obviously always want to be striving to create excellent work product, but in the Agile world, we're big on this term called fit for purpose.

And so it is possible to, obviously, underinvest in doing the legal writing work that you're doing, right? You want to make sure that you're not producing something that is inadequate to the task, but there are also risks, mostly from a workflow capacity and overwhelm standpoint of overbuilding the work product, right?

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If you're replying to a relatively straightforward motion to dismiss and there's not that many issues, you don't want to be producing an 80-page document for that. It's a pretty straightforward task set.

And so talk a little bit about how first, just in terms of structure, you think about where to put the guardrails on, okay, what is minimally sufficient to accomplish the task, and then what is the best we can do within the time, resources, et cetera, without getting into that diminishing returns phase. And then from there, I'm asking you a very long multi-part question, but from there, let's talk about how you do it before the AI world, and then how you've started to adopt more of the AI tools to make that better, faster, stronger, whatever it happens to be.

Brendan: Well, for us, I think, and Neven can correct me if I'm wrong, the real capacity part and that aspect is budget. We're on the billable hour, so that's really what it comes down to. So in our question, we have a bunch of questions of a form that we have. And in that, it includes like who is this client? What's this about?

Because there could be lots of strategic reasons why something you might think is relatively small, you need to really, what in a normal case would seem to be, overbuild it. There's lots of reasons for that and sometimes we do that and that's something we need to know. But yeah, we look at what's budget, first of all, budget, budget, budget, and make sure everyone's on the same page and understands what that's going to look like.

And then we look at, well, you know, how many arguments are we making? you know, what's going to get us from point A to point B? I'll just say that generally, that's, that's what we do. What's changed, I think with AI, is just that AI is a time saver and a force multiplier. And so it allows us to, for instance, like the information that the subject matter expert provides is gold, but it's very difficult to keep that gold kind of, not lose sight of it and keep it working for you.

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Whereas before AI, we have to remember this, we have to have it written down somewhere and make sure our arguments are staying within that golden lane. And whereas if you use AI and use it throughout, it's good at keeping, especially, won't get too deep in the woods, but in terms of designing AI to serve that purpose for a specific use, it's very good at keeping everything kind of on track with the subject matter expert's direction.

John: Yeah, I wouldn't mind going into the woods for a minute. So let me back up first before I do. So it sounds to me like you kind of have an intake for your function, right? So there, you know, obviously this is an intake at the firm level, this is an intake for your particular function inside of the firm.

And the point I'll make now and I'll probably make it again when I do the wrap up for this is even if you are a much smaller firm and you don't have the luxury of a Brendan and a Neven that you can sort of have come into this, although I think we'll get to in a minute, there is a place where you might actually be able to help some other firms, but that being said, assuming that you don't have that option, it still is a good idea to have that little strategy intake within the larger process to do that level setting that's like, okay, we're about to draft an MSJ. What is the budget? What are the guardrails? What is the subject matter piece?

Even if you're the person that is going to be the resource on all of those things, it still is helpful to go through your marks and make sure that you're setting yourself up for success as much as possible for that particular function. So that said, I'd love to get into the AI weeds for just a minute.

So in terms of using the AI as this kind of more persistent memory, I'll use that. I'm not sure if that's technically the right phrase, but the nice thing about AI is that you can tell it to do a thing and it will generally stay on track and remember whatever you did. Now, are you doing that inside of the prompting? Do you set up a project for each work? Give me a little bit about

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your actual drafting process, including your tool set, if you're able to divulge that.

Brendan: Yeah, happy to. Happy to. I can start, you know, kind of my thing. And it again, depends on the matter, because there are some, and Neven can speak to this as well, because our workflows within legal writing are different in that we're not always working on all the same projects.

So there's a lot for which it doesn't really necessarily make sense for a lot of the AI tools to be used. I can think of a specific appeal I've worked on and because of the niche things we were doing, it didn't make a lot of sense.

But in any event, so, and I'll just get very specific and this is maybe one of our most controversial points is that there's a lot of legal AI tools when you think of Westlaw, you think of a lot of them and there they take the perspective that if you use any non-specific legal AI tool, you're somehow endangering client information.

And our view is that something like, and I'll be specific, Perplexity Pro on a paid version with the sharing off and the data off and all that stuff, depending on the client, we do not tend to represent Fortune 100 companies, though we do sometimes. So some of the security issues, like any case, it depends on the client.

So I'll say that, but we take the view that for motion writing, for other things, for the work we do, it makes sense to use something like Perplexity Pro and that's what we use. So that is a feature that has a space. You create a space, and within that space, you have instructions, or it can have instructions, and you can have files that kind of guide that.

And we, I especially routinely generate, I have a sort of set of instructions that I use in a litigation type case, especially one in Minnesota, which many of us are, that guides the drafting process and other parts in it.

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And what I will tend to is when we get involved in something, I will open one up and start doing whatever our process is that we're doing and it becomes an iterative thing.

So for instance, you get to, let's say the end of a motion, and I could talk more about this. I won't get too deep. I will say the most exciting use case I found and very excited about this is a tool that I've been able to use that adapts the language, the writing language, to fit a very specific person who has very specific writing tastes.

Very big pain point, because some people, and I won't say the name, but he probably acknowledge if we talk about it, but some people have very specific things they want things to sound like. And if it doesn't sound that way, it doesn't get there.

And this tool, believe it or not, really helps with that. But it's taken a lot of work and it's very iterative. It's taken about 10 different projects, putting information in, adding documents, provided documents, of exemplars to get to that point. Anyway, I don't want to go too deep down, but the point is, yes, we have a very specific process. We're not either using like some sort of legal AI thing or using Open, whatever...

John: Yeah, ChatGPT off the street.

Brendan: Yeah, exactly.

Neven: And just to piggyback off what Brendan is saying, it really helps, you know, another way is to help at least me get out of a rut. And I know we talked about this a little bit off the air, but if I have a draft of a brief, right, and I feel like it needs something more, I can sterilize it, remove some of the information that I feel maybe should be removed from Perplexity even if, with those guardrails, plug it in there and ask it to develop more details for me or add another argument.

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And, you know, it's not like I take that argument and just plug it in, but when it's doing that, I can say, oh, well, I either hadn't considered that angle or I think that angle is wrong for these reasons. And then that cascades a train of thought that leads me into a whole other section of the brief that I can add to. It really helps in that way as well.

John: Okay, so I'm going to keep doing what I've been doing, which is back up for a half a step. I think we've identified two strong uses for the AI. One of them is that sort of persistent memory where you're able to sort of say, these are the key points of the case, these are the things we need to keep in mind, or even these are the style choices of the lawyer that's ultimately going to put their signature on the thing. And the AI can be better at holding those things in its quote unquote head than a squishy human brain can be.

Another thing that we haven't talked about yet, but I think comes up a lot in the talking about AI in writing, is that it's really helpful for a sort of blank page syndrome. And maybe that in your instruction set for the canvas or the space or the project, you know, different tools use different language for what is essentially the same thing.

But even by having the default structure of what your process for drafting a certain type of motion can be, that can be helpful for blank page syndrome, right? It's like, all right, I don't have to write the whole thing. I don't have to boil the ocean on it. I just have to be able to write whatever the headings are going to be for the first three sections or something like that. I'm making this up.

The third use case that Neven just brought up, which is interesting is it's mentor-like or it's this sort of review and I refer to it as like this oblique strategy thing, right? And for people that don't know oblique strategies is this card deck that Brian Eno, the producer and a few other folks invented way back in the 70s when they were working with David Bowie and Peter Gabriel and U2 in the recording studio.

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And these bands would get stuck in their process or worse yet they'd be fighting over stuff. And it's just sort of this random deck of questions or quotations or statements that just causes your brain to get out of whatever rut that it's in and sort of get this slightly different angle on the problem.

And I think that's Neven what you were just talking about is we all get in our own heads when we're doing, especially these complex drafting tasks, there's a lot to keep track of, it's high energy work, and sometimes you're just like, I'm starting to burn out a little bit here. What am I missing? And pushing that over into the AI can be really, really useful, even if the things it comes up with are objectively terrible, because it serves the function of breaking you out of whatever track you're stuck in.

Brendan: Yes, and I would just say one way I work it in and Neven will laugh when I say this because he's heard what comes out of this is, it seems absolutely insane, is I use a process of brainstorming that's pre brainstorming that I'm very into the productivity app, Optimal Work. It's basically 10 minutes of free form, free association.

So I sit in a room and I have it taped and I just whatever comes to my mind and then I play it back using take out silences and speed up. I do that at the very beginning. So in the thing that AI is great at is it's great at kind of weaving in, and that's a lot of times the language I use in a prompt, weaving in various concepts that come out in that free association, kind of analogies or just ideas. And so that's at least one way I do it kind of on the front end.

And what I find, what's a pain point for me is in the fatigue part is sometimes just revising arguments, finishing arguments, and it's good at doing that because it already has what you've done so far. And it's like, hey, can you create a two paragraph conclusion? Or, hey, this conclusion needs to be about 50% as long, but not take out any of the substance out. Those are the sorts of use cases that I have when I'm kind of in a fatigue stage in a motion writing.

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John: Yeah. Well, okay, so I'm going to draw another musical analogy because I love what you're doing about the free association, and I was just talking about this with another lawyer the other day. It's akin to creating a demo tape for a recording artist. I'm an unabashed Genesis and Phil Collins fan, and on, you know, all these new rereleases, right, they have the demo versions of a lot of songs.

And I find it so fascinating to listen to the song that I've loved for, you know, whatever, 30, 40 years at this point and kind of get back to that moment in time where they're like, okay, this sprang from his head in this moment, and there's no lyrics. Maybe it's a lot of bababas and dadadas, but the kernel of the melody is there and you can see where that was the thing.

And it is, you come to realize that recording a hit song or in your case, writing a hit piece of legal writing is, we're not going to get, hear Casey Kasem talk about it, but that's okay. It's an iterative process and it's okay to have a terrible first draft, even if it comes out in that, you know, whatever, a weird voice memo recording, whatever else. And I do this, frankly, when I'm doing my podcast episodes.

So I will often take my dog for a walk and I will record a bad first draft of a podcast idea while I'm out for a walk. And then I use ChatGPT and the paid version, but I've got a whole project for it associated with my podcast. I will use that to sort of say, okay, give me an outline of this terrible draft and then I can use that to work it into something that I actually want to put out into the world.

Neven: Yeah, John, one of our core philosophies is good writing is rewriting. I mean, you're not going to get it right on the first draft.

Brendan: All a first draft has to do is exist.

John: Yes. Because editing is easier than drafting, right? And so anything you can do to get to that sort of editing place where you're, you're actually

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engaging your brain in those higher order activities, I feel like that's going to get you to that better quality work product faster.

Brendan: And I think we have to mention The Flowers Paradigm. I don't know why we didn't say it. So Bryan Garner popularized a approach to writing called The Flowers Paradigm, which is four stages. It's the madman, it's the architect, it's the carpenter, and it's the judge. And so we really take it very, very, very, very seriously. I consider the brain's, the free association, maybe even pre madman, you know, it's like Madman asleep.

And so we do all that and separate it because we find that it's almost fatal to legal writing, this is going to sound very strident, fatal to legal writing to mix those stages. And we try to budget based on the stages too, and every motion is different. Some take a lot of brainstorming, some don't, some take a lot of architecting, some take a, and the carpenter is the crazy writing everything out in that first draft that just needs to exist. And I should say, I'll say one thing about this is that it depends on the motion. In many cases, that part of it, the carpenter part of it is unchanged. But in some, AI does sometimes remove some of the aspect of that step based on what you're doing so far. So anyway.

John: Well, so and I'm very familiar with that paradigm and I, I think I learned it back in law school and I try to apply it as much as possible. And I know one of the things that Garner and I think also Flowers before him talk about is that most people have a natural proclivity to spend way more time in one of those stages.

And for lawyers, the one that we most likely trend to is the judge stage, right? We want to be critical. We're kind of critical by nature. And so giving ourselves permission to be bad, and that's okay, right? As you said, the most important thing about a first draft is that it exists and everything from there can be fixed, right? Can be improved upon. But I think it's too easy. We think it's more efficient to jump straight to that judge stage. And it just

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isn't, right? It just is going to produce so much more rework, so many more problems than if you actually kind of let yourself run through the paces.

Neven: And just to back up a little bit, one of the, the ways we use AI, you know, this is part of the judge stage or maybe the, the carpenter stage, and I think it's been in use for dozens of years, or, you know, maybe two decades now is spell check, right? But there are tools specifically, you know, Grammarly that utilizes AI, maybe not generative AI, and a legal based one called BriefCatch that we use.

And again, it's not that generative, so, you know, it's not as buzzy as Perplexity or ChatGPT, but it really helps you save time and be more efficient and it makes great suggestions to employ one of our other core tenants, which is plain language. We write for our audience, judges have to read 20, 30, 40 pages. We make it easy for them, and BriefCheck really helps us with that. Not that we're sponsored by them or anything, but if you haven't checked it out yet, you know, I, I strongly suggest it, both Brendan and I do.

John: Yeah, and I think they're all great, although it's interesting, so Grammarly in particular, and I even see this with the red squiggly line version of spellcheck that comes up on a lot of native programs, I find myself turning those things off when I'm in the architect or the carpenter stages because otherwise, if you're trying to correct your grammar in real time, you're not actually being the carpenter, you're being the judge.

And so I have different people I work with that I can always see that little Grammarly bubble come up if we're doing screen share, and I'm like, turn that damn thing off. We're not there yet. We don't want that at this point. It's valuable later, but it's not valuable right now. Probably the same thing is true with briefs. I don't have to deal with citations as much in my current iteration as I once used to, but getting Bluebook citation format is not critical in the first draft.

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It's so interesting because you really are sort of like this little firm within your firm that is sort of this single purpose, or not single purpose, but this specialized purpose output. What are the ways that both lawyers inside of your practice engage you and then I think you mentioned that there are ways for other people to engage you to help with this kind of work?

Brendan: It's surprisingly similar. So we're doing a lot of the legal writing within the firm and we're moving to doing legal writing for other people that would typically fall into the category of small and solos. Is typically who would, but the reason we came up with this legal writing subscription plan is we thought, look, there's a lot of people, small, solos, associates, you name it, who could gain from what we're offering.

Some of them will choose to retain us or do legal writing for projects, some won't, but we have a lot to teach, but we can't really teach it in a way that makes sense for us economically in an educational sense and just the nature of what we're doing is so specific to what people and people's challenges that the system we came up with was, you know, we have this legal writing newsletter, we have this paid newsletter that is showing with client court and specific information removed, what we've actually did, we have a sample product, an actual final product, and we show how AI aided us in doing that specifically with instructions, prompts, and whatnot.

With the idea that the people who subscribe for the \$495 a year have a 30-minute consult call with us a month where they can discuss these sorts of things. And frankly, we're not sure exactly how those consult calls will be going. It'll depend on the individual, but we just saw that the only way we saw realistically that we could share this information and help and knowledge in a way that made sense for us in our workflow would be through this subscription program.

Neven: Yeah, and then some of these attorneys may be thinking to themselves, well, why can't I just do the AI, you know, processes that you

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guys are doing? I mean, just without AI, the Kanban processes, they take time to develop, master, get proficient in. So does the AI aspect of it.

And what mainly Brendan has done and what I've helped supplement is all the time that's been put into developing these design workflows, these processes on the AI side, we're able to share that to some degree in our free newsletter, but also in our paid newsletter, we get really in-depth with it. We provide specific prompts, we'll develop prompts with you. We really try to share our expertise so you can really cut back that time to being proficient with it and go on your merry way and use it on your own.

John: Yeah, well, so I love that and we're starting to run a little bit up against time, but what you're doing is something that I am so, so passionate about, which is you're productizing your expertise. And it's something that, I mean, that is effectively what lawyers do. Historically, lawyers do it through the, to my mind, relatively blunt and imperfect instrument of hourly billing to get to that expertise.

And I won't pick that apart, but it sounds to me like you've got a couple of other ways of productizing the expertise, and presumably your firm is blessing all this and it's part of the work that you're doing inside of your job. But both through an educational product, right? And I think maybe even beyond the education, it sounds to me like maybe there's something of a community aspect of it as well, right?

Yes, you're teaching, but you probably also are learning things back through the feedback loop of how people respond to the information you're putting out there. And that's great because that's the basis of community. And then on top of that, you also have the sort of outsourced product for people that want to go to that next level to actually bring you in as the experts, just like someone would hire a lawyer or a dentist will outsource to an orthodontist when they need a particular type of dental work done.

Brendan: That's the plan.

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John: I love it. I mean, obviously AI hasn't been around for all that long. So how long have you had the paid newsletter, sort of the educational piece of it?

Brendan: Recent. We had an article in Bench & Bar Minnesota in October about use of AI and tools and systems. And then we started our free newsletter October 2024, and we've just come up with the paid newsletter just in the last month or so because we've just and the subscription program. So this is very much, we're just ground floor...

John: Yeah, okay.

Brendan: ...very much pushing this. Yeah. For anyone who is interested.

John: Yeah. So you're in full on Lean startup mode of testing the concept and figuring out how it, yeah, love it. Great. And then in terms of folks outside of your firm hiring you, I mean, do you do work sort of directly for clients of the firm or is it mostly for other attorneys?

Brendan: Great question. So it's for other attorneys. And we should say this to anyone who might be. Our approach is we kind of are ghost writers is what we envision so that we don't necessarily have any contact with the clients. So we would like it that way because we don't want to create any sort of specter of us trying to take someone's client, which is not at all our intention and not, you know, would be very counterproductive to what we're trying to do.

John: And again, a proven business model, right? There've been legal writing folks out in the world for as long as I've been practicing and I'm sure a whole lot longer than that, but it sounds to me like particularly doing it with the tool set that you've developed and the expertise that you've developed around that tool set, you're kind of taking that to another level.

Brendan: I think so.

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John: Well, so as we sort of wrap up, I guess let me ask two questions. And the second one I'll ask is how do folks get in touch with you and get information about your newsletter. But before that, if you were to give people particularly those involved in the legal writing process, and let's say around litigation, which isn't to say that there couldn't be a similar process that develops for a lot of transactional work as well.

But what are the one to three sort of key recommendations you would make to everyday practitioners about how to approach the kind of work that you do through a more maybe deliberate and hopefully more successful, ultimately more successful lens.

Brendan: The first is the analogy I'd make with use of AI is think of it as the difference between the old school kind of TV shows that were kind of monster of the week. Even X Files was that way. Every episode was sort of freestanding its own thing with the sort of serial approach, you know, Breaking Bad or something like that.

So first is, how can you [inaudible] into your workflow that you're doing, both case specific and also matter specific so you're learning about how to better use tools, so that it's part of a story. It's not just one off, you get one thing here and it's gone forever. I think that's the first thing.

The second thing is make sure you're using tools that aren't, I'm going to go back to the term used in a prior one, task engines or task generators. Is this tool I'm using actually making sense or is it creating new problems? I mean, our approach is so specific on what we're doing. In our workflow, it's kind of not really possible, this sounds arrogant, but possible for us to have task engines because we know immediately because we're the ones using them, whether they are or they're not.

And third is working AI with, connected with what you're already doing in all the dynamics that already exist. And that's why I was so excited, and I'll just end with this with the tone generator, the thing that could generate legal

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writing and connect it with a very particular person's way of writing because it was a big pain point.

And so it's that specific and that's why we can't kind of give a white paper or something that tells you everything you need to know, as cheesy as it sounds, the way we're we help people with this is through building relationships with people. And they're very specific problems, issues, and challenges.

John: Yeah, well, and it sounds like building, you know, and again, it's funny to say, and I still insist upon referring to AI's as its or them as opposed to he's or she's and I know some people are different about that, but you're building a relationship with the tool as well.

And that is one of the things that is maybe different about AI from previous types of software is you're not really building a relationship with Microsoft Word or with your practice management or document management system. You're learning how to use it, but it's not learning alongside you. And the AI both through its own persistent memory and also through the prompts and the other documents and things that you can feed it, you can actually kind of help it evolve alongside you and that's part of what's so exciting about it.

Neven: And the best way to reach us, Brendan and I each have our own LinkedIn pages. You can follow us there. But Hellmuth & Johnson, that's our law firm. It's really easy to remember Hellmuth, like the poker player, Phil Hellmuth.

John: Yep.

Brendan: Yes.

John: Okay.

Brendan: Dave Hellmuth is his brother.

Neven: That's his brother, Dave Hellmuth. So Hellmuth & Johnson.

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Brendan: And I'm hoping, I'm hoping we'll have our link to our newsletter and paid subscription program in the show notes.

John: It'll all be in the show notes. You got it. Yep, for sure. Well, Brendan and Neven, thank you so much for coming on the show. And we'll have to check back in a few months or a year or two and see how it's all going.

Neven: Thank you.

Brendan: It was a pleasure. We really appreciate it.

Neven: Your work has changed our work.

John: All right. Great. Thank you so much.

So I like a lot of things about what Neven and Brendan are up to, but the thing I want to highlight stems from a line you hear me say in my podcast intro every week, that I think of my mission as helping legal professionals build solid practices for themselves and the communities they serve. For me, it's about scaling impact.

And the story you just heard really shows how intentional process work can help you do exactly that. Yes, technology plays a role, but the tech without the process won't get you nearly as far as when you do the process work first and then harness technology in service of the process that works.

If you want a copy of that unfinished Kanban for Lawyers book of mine that Brendan mentioned, you can find it on my website at [agileattorney.com](http://agileattorney.com). It's a little buried, so I'll put a link in the show notes or you can just email me at [john.grant@agileattorney.com](mailto:john.grant@agileattorney.com) and I'll send you a PDF or an EPUB file, whichever you prefer.

As always, this podcast gets production support from the fantastic team at Digital Freedom Productions, and our theme music is Hello by Lunara. Thanks for listening, and I will catch you again next week.